



21st Floor  
1251 Avenue of the Americas  
New York, NY 10020-1104

Linda Steinman  
212-603-6409 tel  
212-489-8340 fax

[lindasteinman@dwt.com](mailto:lindasteinman@dwt.com)

**MEMO ENDORSED**

October 11, 2019

**BY ECF**

The Honorable Valerie Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10017

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/15/2019

**Re: Marano v. The Metropolitan Museum of Art, Case No. 1:19-cv-08606 (VEC)**

Dear Judge Caproni:

This firm represents The Metropolitan Museum of Art ("the Museum"), the defendant in the above-referenced matter. In accordance with Rule 2C of the Court's Individual Practices, I write on behalf of the Museum to respectfully request an extension of time to answer, move, or otherwise respond to the complaint (the Complaint") until twenty (20) days after the Court rules on the pending Order to Show Cause addressed to whether the Museum's use of plaintiff's photograph of Van Halen with his "Frankenstein" guitar in connection with the *Play It Loud* exhibition constitutes fair use [Dkt. No. 10].

Plaintiff's counsel has consented to this request.

Given the pending Order to Show Cause, we believe the most efficient path forward for both the Court and the parties would be to wait until that *sua sponte* motion is decided before submitting the Museum's response to the Complaint. If the Museum's time to answer were to be set before the Court's decision on the Order to Show Cause, the Museum would likely file a motion to dismiss on fair use grounds, resulting in duplicative briefing on the fair use issues.

The Met's current deadline to respond to the Complaint is October 17, 2019. This is the Museum's first request to the Court for an extension of time to respond to the Complaint.

Thank you for your consideration of this request.

Respectfully submitted,

Linda Steinman Application GRANTED.

cc: Richard Liebowitz, Esq.  
*Attorney for Plaintiff*

SO ORDERED.

10/15/2019

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HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE